

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)
) Case No. 1:18-cr-180
v.)
) Judge Travis R. McDonough
)
ZACHARY SMITH) Magistrate Judge Susan K. Lee
)

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the four-count Indictment; (2) accept Defendant's guilty plea as to the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846; (3) adjudicate the Defendant guilty of the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846; (4) defer a decision on whether to accept the amended plea agreement [Doc. 172] until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter (Doc. 182).

Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 182) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count One of the Indictment is

GRANTED;

2. Defendant's plea of guilty to the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846 is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846;
4. A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **March 6, 2020 at 9:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough _____

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**